

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Substitute  
Declaration for Patent Application

**COPY FOR CONTINUING  
APPLICATION**

As a named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

MODULATED RELEASE FROM BIOCOMPATIBLE POLYMERS

the specification of which (check one)

☐ is attached hereto.

☒ was filed on April 7, 1998 as United States Application

Number 09/056,566

and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

_____ (Application Number)	_____ (Filing Date)
_____ (Application Number)	_____ (Filing Date)

10039285-010302

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/727,531 (U.S. National Phase of PCT/US95/05511 filed May 3, 1995)</u> (Application Serial No.)	<u>October 22, 1996</u> (Filing date)	<u>Abandoned</u> (Status: patented, pending, abandoned)
<u>08/237,057</u> (Application Serial No.)	<u>May 3, 1994</u> (Filing date)	<u>Patented</u> (Status: patented, pending, abandoned)
<u>07/849,754</u> (Application Serial No.)	<u>March 12, 1992</u> (Filing date)	<u>Abandoned</u> (Status: patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing date)	_____ (Status: patented, pending, abandoned)

As a named inventor, I hereby appoint the attorneys and/or agents associated with

Hamilton, Brook, Smith & Reynolds, P.C.  
2 Militia Drive  
Lexington, Massachusetts 02421-4799  
Customer No. 21005

to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

I also hereby grant additional Powers of Attorney to the attorneys and/or agents associated with Customer No. 21005 to file and prosecute an international application under the Patent Cooperation Treaty based upon the above-identified application, including a power to meet all designated office requirements for designated states;

and \_\_\_\_\_

Send correspondence to: David E. Brook, Esq.

Hamilton, Brook, Smith & Reynolds, P.C.

Two Militia Drive, Lexington, Massachusetts 02421

Direct telephone calls to: David E. Brook, Esq.

781 861-6240

Direct facsimiles to: David E. Brook, Esq.

781 861-9540

100396285.010302

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole  
or first inventor Howard Bernstein  
Inventor's  
Signature Howard Bernstein Date 8/18/98  
Residence 929 Massachusetts Avenue, No. 2B  
Cambridge, Massachusetts 02139  
Citizenship Canada  
Post Office Address Same as above

Full name of second joint  
inventor, if any Yan Zhang  
Inventor's  
Signature Yan Zhang Date 9/30/98  
Residence 1230 Chula Vista Drive  
Belmont, California 94002  
Citizenship China  
Post Office Address Same as above

Full name of third joint  
inventor, if any M. Amin Khan  
Inventor's  
Signature M. Amin Khan Date 25 Aug 98  
Residence 26 Twin Pines Road 5163 SUE DRIVE  
Downington, Pennsylvania 19335 CARMEL IN 46033 25 Aug 98  
Citizenship United Kingdom  
Post Office Address Same as above

Full name of fourth joint  
inventor, if any Mark A. Tracy  
Inventor's  
Signature Mark A. Tracy Date 8/18/98  
Residence 190 Hillside Avenue  
Arlington, Massachusetts 02474  
Citizenship United States  
Post Office Address Same as above